

## Title 4. Bureau of Home Furnishings and Thermal Insulation

NOTICE IS HEREBY GIVEN that the Bureau of Home Furnishings and Thermal Insulation (hereafter "bureau") is proposing to amend regulations described in the Information Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at two hearings to be held:

### **NORTHERN CALIFORNIA**

**July 30, 2007**

**10:00 a.m.**

**DCA, Bureau of Home Furnishings &  
Thermal Insulation, Conference Room  
3485 Orange Grove Avenue, Suite A  
North Highlands, California 95660**

### **SOUTHERN CALIFORNIA**

**July 31, 2007**

**10:00 a.m.**

**So. Coast Air Quality Management Dist.  
Room CC2  
21865 E. Copley Drive  
Diamond Bar, California 91765**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received in the bureau's office no later than 5:00 p.m. on ~~July 31, 2007~~ August 6, 2007, or must be received by the bureau at the hearings. The bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 19034 and 19161 of the Business and Professions Code, and to implement, interpret or make specific Section 19161, of said Code, the bureau is considering changes to Title 4, Division 3, of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW**

Amend Section 1371:

The proposed amendments to Section 1371 would clarify the requirements for fire retardant mattresses and mattress sets in California and clarify the requirements for manufacturers and importers under the Act, consistent with the standards adopted by the Consumer Product Safety Commission at 16 CFR 1633 and following ("CPSC standard") as required by Senate Bill (SB) 1849, Statutes of 2006, Chapter 760.

Specifically, the proposed regulations would:

- repeal, as of July 1, 2007, existing language in the title, and at subdivisions (a)-(i) pertaining to Technical Bulletin 603 (TB 603), 16 CFR 1632 (smolder-resistance standard), and the definition pertaining to the "transient lodging" exemption at existing Section 19161(b) of the Business and Professions Code;
- clarify that mattresses and mattress sets must meet the labeling as well as open-flame resistance requirements of the CPSC standard;

- clarify that manufacturers and importers subject to the CPSC standard must meet all applicable requirements of that standard, including records requirements at 16 CFR 1633.11;
- specify the “one-of-a-kind” mattress set exemption contained in 16 CFR 1633.1;
- adopt new definitions for “mattress” and “mattress set” referenced in the CPSC standard;
- clarify that failure to comply with the CPSC standards referenced in proposed subdivisions (a) and (b) is grounds for discipline under the Act.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The bureau has determined that the proposed regulation will result in additional costs to the program.

The federal regulation requires manufacturers/importers to maintain record keeping of all prototype tests including test records, component substitution invoices, photographs or video records of tests performed, and quality control documentation. Therefore, inspections to verify compliance will increase.

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact: The bureau initially determined that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

This regulation proposes changes to current regulatory language to ensure consistency with the federal standard. The new federal standard imposes the same requirements on all manufacturers and importers who manufacture or import mattress products into the United States.

Impact on Jobs/New Businesses: The bureau has determined that this regulatory proposal will not have any impact on creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impact on Representative Private Person or Business:

The regulatory proposal provides technical clean up to existing regulatory language to include the new requirements of the federal standard in Part 1633 of the Code of Federal Regulations (CFR).

The Bureau has approximately 5,000 Manufacturers and Importers that would be impacted as a result of the proposed regulation, which would increase their record keeping requirements. However, on average, the Bureau conducts 150 mattress manufactures/importers inspections per year. The Bureau anticipates 5% or eight businesses/individuals may be impacted/ in violation of the record keeping requirements and 90% of the total businesses/individuals

impacted would be small businesses. The estimated cost per business or individual would be the minimum administrative fine imposed, at \$250.00 per violation.

Effect on Housing Costs: None

Effect on Small Business: The bureau has determined that this regulatory proposal would impact small businesses.

The bureau has approximately 5, 000 licensed manufacturers and importers. This proposal would increase their record keeping requirements. On average, the bureau conducts 150 mattress manufacturers/importer inspections per year. The bureau anticipates 5% or eight businesses may be impacted in violation of the record keeping requirements and 90% of the total businesses impacted would be small businesses.

## CONSIDERATION OF ALTERNATIVES

The bureau must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from

April Alameda, Compliance Analyst  
3485 Orange Grove Avenue, Suite A  
North Highlands, California 95660  
(916) 574-2442  
(916) 574-2120

[April\\_Alameda@dca.ca.gov](mailto:April_Alameda@dca.ca.gov)

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, [www.bhfti.ca.gov](http://www.bhfti.ca.gov).

## CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: April Alameda, Compliance Analyst  
Address: 3485 Orange Grove Avenue, Suite A  
North Highlands, California 95660  
Telephone: (916) 574-2442  
Fax (916) 574-2120  
E-mail: April\_Alameda@dca.ca.gov

The backup contact person is:

Name: Tammi Pitto, Compliance Analyst  
Address: 3485 Orange Grove Avenue, Suite A  
North Highlands, California 95660  
Telephone: (916) 574-1948  
Fax (916) 574-2120  
E-mail: Tammi\_Pitto@dca.ca.gov

Web Site Address: Materials regarding this proposal can be found at [www.bhfti.ca.gov](http://www.bhfti.ca.gov).